

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ETTORE MAZZEI, PRO SE

Write the full name of each plaintiff.

No. _____

(To be filled out by Clerk's Office)

CIVIL RIGHTS
COMPLAINT

42 USC 1983

Do you want a jury trial?

☒ Yes ☐ No

-against-

(DET) DETECTIVE ARTHUR TRUSCELLI, DET
BRENDAN O'BRIEN, POLICE OFFICER, POLICE OFFICER
JANE DOE, JOHN DOE
DET WILKINSON, NYC POLICE DEPARTMENT,
NEW YORK CITY, POLICE OFFICER ACIERNO

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

SEE
ATTACHED

2024 OCT 21 PM 2:17

RECEIVED
SDNY PRO SE OFFICE

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

☒ Violation of my federal constitutional rights

☒ Other: violation of my federal constitutional rights under 42 USC 1985 to RT LIABILITY

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

ETTORE

D

MAZZEI

First Name

Middle Initial

Last Name

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

B&C 5412400411 NYSID 06492361 K

Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

11-11 HAZEN STREET RND C M E S

Current Place of Detention

Institutional Address

BRONX

E. ELMHURST NY

11370

County, City

State

Zip Code

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

☒ Pretrial detainee

☐ Civilly committed detainee

☐ Immigration detainee

☐ Convicted and sentenced prisoner

☐ Other: _____

ETTORE IS A LAY PERSON IN THE MATTERS OF LAW AND SEEKS THIS COURT'S INDULGENCE FOR DEFECTS, FAULTS AND ERRORS.

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:

ARTHUR TRUSCELLI 691
 First Name Last Name Shield #
 DETECTIVE
 Current Job Title (or other identifying information) 120 PCT
 70 RICHMOND TERRACE SIM 10301
 Current Work Address
 RICHMOND SI NY 10301
 County, City State Zip Code

Defendant 2:

BRENDAN O'BRIEN
 First Name Last Name Shield #
 DETECTIVE
 Current Job Title (or other identifying information)
 120 PCT 70 RICHMOND TERRACE
 Current Work Address
 RICHMOND SI NY 10301
 County, City State Zip Code

Defendant 3:

JANE DOE
 First Name Last Name Shield #
 Cop or DETECTIVE
 Current Job Title (or other identifying information)
 120 PCT 70 RICHMOND TERRACE
 Current Work Address
 RICHMOND SI NY 10301
 County, City State Zip Code

Defendant 4:

JOHN DOE police officer
 First Name Last Name Shield #
 RICHMOND CNTY police or police officer
 Current Job Title (or other identifying information)
 130 STUYVESANT PLCE 6th FL
 Current Work Address
 RICHMOND SI NY 10301
 County, City State Zip Code

II. DEFENDANT INFORMATION (CONTINUED)

DEF. 5. DET WILKINSON WARRANT SQUAD

120 PRECINCT 70 RICHMOND TERRACE

ST, NY 10301, RICHMOND COUNTY

DEFENDANT 6. NEW YORK CITY POLICE DEPARTMENT

ONE POLICE PLAZA NEW YORK NY 10038

DEFENDANT 7. NEW YORK CITY CORPORATION COUNSEL

100 CHURCH STREET NY, NY 10007

DEFENDANT 8. Det Monas Canso shield # 348

70 RICHMOND TERRACE 120 PCT

ST NY 10301

DEFENDANT 9 POLICE OFFICER ADIERNO

120 PCT 70 RICHMOND TERRACE

ST NY 10301

DEFENDANT 10 UNDERCOVER SQ 210

120 PCT 70 RICHMOND TERRACE

ST NY 10301

V. STATEMENT OF CLAIM

Place(s) of occurrence:

② 120 PCT 70 RICHMOND TERRACE
SI NY 10301
① TARGEE STREET JUST SOUTH OF VANDERBILT AVENUE
SI NY 10301

Date(s) of occurrence:

① 5/22/24 APPROX 3³⁰ AM ② 5/22/24 APPROX 9³⁰ AM

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

the following claims are alleged BECAUSE THEY WERE WITHOUT LEGAL PROCESS.

① PLAINTIFF'S ARREST ON 5/22/24 ON TARGEE STREET SI AT APPROX 3³⁰ AM WAS NOT PROCEDURAL AS PER THE LAW. AS A PASSENGER IN HIS 1992 INFINITI, DETECTIVES BOXED IN HIS CAR IMMEDIATELY ASKED HIM TO STEP OUT OF THE CAR AND HANDCUFFED PLAINTIFF AND HIS DRIVER TATIANA RODRIGUEZ. THEY DID NOT TELL PLAINTIFF THERE WAS A WARRANT FOR HIS ARREST, DETECTIVES DID NOT TELL PLAINTIFF WHY HE WAS BEING ARRESTED AND FOR WHAT CHARGES. THEY SEARCHED HIS POCKET, PLACED HIM IN A POLICE CAR AND BROUGHT HIM TO THE 120 PRECINCT AND PLACED HIM IN 3RD FLOOR DETECTIVE DEN AFTER BOOKING HIM. NO WARRANT FOR PLAINTIFF'S ARREST WAS EVER SHOWN TO HIM, AND TILL DATE, PLAINTIFF HAS NOT RECEIVED WARRANT FOR HIS ARREST. ② AT APPROX 9³⁰ AM AT 120 PCT WHILE HANDCUFFED IN THE LOBBY OF PRECINCT, DETECTIVE CUSTODIAL INTERROGATED PLAINTIFF. DETECTIVE AGGRESSIVELY YELLED AT PLAINTIFF STATING "WHERE ARE THE DRUGS" PLAINTIFF SAID "THERE ARE NONE" DETECTIVE SAID "IF YOU DON'T TELL ME WHERE THE DRUGS ARE, I WILL TEAR APART ALL (S) OF YOUR PROPERTIES, DESTROY YOU, YOUR BUSINESS AND FAMILY" NO MIRANDA RIGHTS WERE READ. EXACT WORDING COULD OF VARIED AND CONTEXT WAS SAME.

PLAINTIFF WAS UNDER DURESS AND WAS TRAUMATIZED. PLAINTIFF HAS EXHAUSTED ALL HIS REMEDIES PRIOR TO FILING THIS LAWSUIT. ATTACHED ARE DISCOVERY REQUEST TO HIS ATTORNEY WHO SAID HE SENT ALL DISCOVERY TO JAIL IN THE BEGINNING OF JULY WITHOUT RECEIPT AND PLAINTIFF FILED FOIL REQUEST WITH NYPD AND THEY HAVE NOT SENT REQUEST INFO EXHIBIT #1 AND EXHIBIT #2. TAB AND CORB HAVE BEEN CONTACTED AND I AM WAITING RESPONSE EX#3

INJURIES:

(continued on attached)

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

PLAINTIFF ALLEGES BECAUSE OF THE ACTIONS OF THE DEFENDANTS AND SUBSEQUENT ACTIONS AND INDIGNITIES, PLAINTIFF HAS SUFFERED AND CONTINUES TO SUFFER FROM P.T.S.D, EMOTIONAL TRAUMA AND DISTRESS, INDUCED ANXIETY AND OTHER EMOTIONAL AND PSYCHOLOGICAL INJURIES DEPRIVATION

VI. RELIEF OF LIBERTY,

State briefly what money damages or other relief you want the court to order.

BECAUSE OF THE ALLEGED ACTION OF THE KNOWN AND UNKNOWN DEFENDANTS, PLAINTIFF HAS SUFFERED ACUTE TRAUMA AND DEMANDS MONETARY COMPENSATION TO THE AMOUNT OF EIGHT MILLION DOLLARS (\$8,000,000) ALONG WITH INJUNCTIONS AND PROTECTION AGAINST ALL OF THE KNOWN AND UNKNOWN DEFENDANTS. HE PRAYS FOR PUNITIVE, PRESUMED, PAIN AND SUFFERING AND GENERAL DAMAGES. SPECIAL DAMAGES FOR PROCEDURES AGAINST HIS RIGHTS PERFORMED WITHOUT LEGAL PROCESS

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

10/8/24

Dated		Plaintiff's Signature
EHORE	D	MAZZEI
First Name	Middle Initial	Last Name
11-11 WAZEN STREET		RNDC MBS
Prison Address		
BROOKLYN, E. ELMHURST	NY	11370
County, City	State	Zip Code

Date on which I am delivering this complaint to prison authorities for mailing: _____

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

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I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

10/8/24

Dated		Plaintiff's Signature
E. HORE		MAZZEI
First Name	Middle Initial	Last Name
11-11	HAZEN STREET	RMC MBS
Prison Address		
BRONY, E. EULHURST NY 11370		
County, City	State	Zip Code

Date on which I am delivering this complaint to prison authorities for mailing: _____

FACTS (continued from page 5)

- ③ ^{BACKGROUND} INDICTMENT # 10363-24/001 (CRIMINAL SALE OF A CONTROLLED SUBSTANCE (CSCS)) LACKS MERITS. PLAINTIFF WAS NEVER CAUGHT WITH NARCOTICS WHETHER IT BE POSSESSION OR SALES DURING AN 1.5 YEAR INVESTIGATION WITH OVER 125 COPS AND/OR DETECTIVES AND 7 MONTH WIRETAP. INVESTIGATION WAS FROM DEC 2022 TO MAY 22ND 2024. ELORE'S PART-TIME WORKER ALLEGEDLY SOLD NARCOTICS TO AN UNDERCOVER COP (UC210) 15X IN OR AROUND ELORE'S PROPERTY AND ELORE IS ACCUSED OF BEING THE SUPPLIER BASED ON SUGGESTIONS, "IN MY OPINION" AND CODED AND ENCRYPTED TEXT MESSAGES. PROSECUTOR (PCDA) CALCULATED ALLEGED GROSS SALES OVER 14 MONTH BUYS BY UC210 FROM ELORE'S PART-TIME WORKER TO BE BETWEEN \$16,000 AND \$18,000, AN AVERAGE OF \$43 PER DAY. FACTS: IN VIOLATION OF ELORE'S RIGHTS, BAIL IS SET AT \$5 MILLION DOLLARS (\$5,000,000). A KINGPIN SELLS (\$75,000) SEVENTY FIVE THOUSAND IN NARCOTICS OVER ONE YEAR. ELORE ALLEGES THAT BAIL OF KING PINS VARIES FROM (\$250,000) TWO HUNDRED AND FIFTY THOUSAND TO (\$750,000) SEVEN HUNDRED AND FIFTY THOUSAND. IN ADDITION THIS IS ELORE'S 1ST OFFENSE, NON VIOLENT. 2019 AND 2020 BAIL REFORM AND AMENDMENTS STATE "LEAST RESTRICTIVE" RIGHTS VIOLATED INCLUDES "ABUSE OF DISCRETION" PAGE 5 (2)

FACTS (CONTINUED FROM PAGE 5)

④ JUDGE MATTEI THAT ISSUED WARRANTS ALLEGEDLY WITH INFORMATION PROVIDED TO HIM BASED ON SUGGESTIONS AND LIES TO INCLUDE "MAZ'S BUSINESSES REVEALED THAT THESE ENTITIES ARE NOT PROFITABLE AND CONDUCT LITTLE TO NO LEGITIMATE BUSINESS" EXHIBIT #4 PAGE 1 ITEM #20. THESE LIES WERE CORROBORATED BY RCDA FORENSIC ACCOUNTANT WHO REVIEWED MY FINANCIALS INCLUDING TAX RETURNS FOR 1.5 YEARS AND BY RCDA WHO HEUD BAIL SOURCE HEARINGS WITH ELORE 2X IN FALL OF 2023 AND WINTER OF 2024 FOR CARLOS GUAL. BAIL WAS \$150,000 FOR CARLOS GUAL AND ELORE WAS APPROVED BY RCDA AND JUDGE TO PLACE BAIL BASED ON HIS LEGITIMATE INCOME. ELORE'S PERSONAL TAX RETURN ANNEXED EXHIBIT #5 THAT SHOWS GROSS OF (\$394,540.00) THREE HUNDRED AND NINETY FOUR THOUSAND, FIVE HUNDRED AND FORTY DOLLARS. THIS GROSS INCOME DOES NOT INCLUDE HIS PRIMARY BUSINESS CHEZ VOS CATERERS AND PARTY RENTALS GIVEN THOSE TAX RETURNS ARE NOT AVAILABLE TO ELORE. THERE ARE MANY OTHER LIES, SUGGESTIONS AND "IN MY OPINION'S" IN STATEMENT USED BY RCDA TO ACQUIRE WARRANTS. ELORE DID NOT INCLUDE RCDA IN DEFENDANT LIST DUE TO AVOIDING ATTACK ON CRIMINAL JUDGMENT.

PAGE 5 (3)

- ⑤ PLAINTIFF ALLEGES LOTT OF MALICIOUS PROSECUTION FOR DAMAGES FOR A DEPRIVATION OF LIBERTY.
- ⑤ HIS SEIZURE WAS WITHOUT LEGAL PROCESS. TO DATE, NO WARRANT OF ARREST HAS BEEN PROVIDED TO PLAINTIFF. NO WARRANTS TO SEARCH HIS HOME, BUSINESSES AND TARGET LOCATIONS, ALL 8, HAVE NOT BEEN PROVIDED TO HIM. CHARGING DOCUMENT CONTAINED FALSIFIED INFORMATION EXHIBIT #

POST ARRAIGNMENT DEPRIVATION INCLUDES

A) ON SEPTEMBER 12TH IN THE STATEN ISLAND (SI) COURTHOUSE 26 CENTRAL AVENUE, WARRANT SQUAD DET WILKINSON HANDCUFFED PLAINTIFF, REMOVING HIM FROM HOLDING CELL AND ASK PLAINTIFF TO GET BOOKED AND FINGERPRINTED FOR A NEW INDICTMENT # 70623-24. PLAINTIFF ASKED FOR HIS ATTORNEY MARK FOMTEPRIE TO PROCESS GIVEN HE WAS NOT AWARE OR PRIVILEGED TO BE AT GRAND JURY INDICTING HIM. DET WILKINSON, DET D'AMATO, DET TRUSCELLI, DET O'BRIEN, DET JANE DOE AND JOHN DOE, APPROXIMATE TOTAL OF 8 DETECTIVES TOLD PLAINTIFF ~~HE~~ HE DOES NEED HIS ATTORNEY, MOCKED HIM, CURSED AT HIM AND SAID IF YOU DONT LETS US FINGERPRINT YOU, WE WILL RIP YOU OUT OF YOUR CHAIR. THEY WOULD NOT TELL WHY AND FOR WHAT CHARGE PLAINTIFF WAS BEING ARRESTED AFTER HE ASKED. RIGHTS VIOLATED INCLUDES "FAILURE BY OTHER DETECTIVES TO INTERVIEW" THREATS, CUSTODIAL INTERROGATION, ETC.

5. CONTINUED: PLAINTIFF WAS BROUGHT IN FRONT OF JUDGE GRAY AFTER HIS REFUSAL TO GET FINGERPRINTED WITHOUT BEING TOLD WHY HE WAS BEING ARRESTED AND FOR WHAT CHARGE. HIS ATTORNEY WAS PRESENT AND PLAINTIFF ON THE RECORD TOLD JUDGE GRAY HIS 6TH AMENDMENT RIGHT TO FACE HIS ACCUSER WAS VIOLATED. JUDGE GRAY STATED IF YOU DONT GET FINGERPRINTED, SHE WOULD ORDER IT. PLAINTIFF ON THE RECORD TOLD JUDGE GRAY OF CUSTODIAL INTERROGATION, CUSTODIAL MOCKERY, ABUSE, ABUSE OF POWER BY DETECTIVES INCLUDING THREATS TO HIS PHYSICAL BODY. THE DETECTIVES WERE ON THE PHONE WITH THE PROSECUTOR ASSUMED TO BE ADA MATTHEW GAMBURG AND THEY KEPT SAYING YOUR ATTORNEY DOES NOT HAVE TO BE PRESENT WHICH WAS CONFIRMED TO PLAINTIFF BY THEM FROM PROSECUTOR. THEY NEXT DAY PLAINTIFF WAS FINGERPRINTED FOR INDICTMENT # WITH ATTORNEY PRESENT AND BAIL WAS SET AT \$1 MILLION DOLLARS (\$1,000,000) ACTIONABLE CONSPIRACY IS ALLEGED FOR SEPTEMBER PM THREATS, ABUSE AND VIOLATIONAL RIGHTS. PLAINTIFFS (2) CODEFENDANTS WHO ALLEGEDLY POSSESSED STOLEN CREDIT CARDS AND BANK INFORMATION WERE TREATED DIFFERENTLY. CODEFENDANT PAID BILLS FOR PLAINTIFF IN EXCHANGE FOR 50% OF BLOCK 496 LOT SO AN EMPTY LOT TO BE DEVELOPED. PLAINTIFF WAS WAIVER OF CRIME COMMITTED. PLAINTIFF ALLEGES VIOLATION OF EQUAL PROTECTIVE UNDER USC 42 1985

6) STATE FORFEITURE CLAIM: AS PER THE LAW, CRIMINAL FORFEITURE OCCURS AFTER CONVICTION. POLICE OFFICERS AND THE MC POLICE DEPARTMENT SEIZED PLAINTIFFS ASSETS BEFORE CONVICTION
EXHIBIT #4

PLAINTIFFS LEGITIMATE INCOME IS APPROXIMATELY \$400,000 PER YEAR, ACCUSED CRIMINAL SALE OF A CONTROLLED SUBSTANCE APPROXIMATELY \$15,000 PER YEAR.

7) FIVE SEALED INDICTMENTS WAS "NO FAIR DEALING" TO PLAINTIFF AGAINST HIS CONSTITUTIONAL RIGHTS. AFTER PLAINTIFFS ARREST ON 5/22/24 ON INDICTMENTS 70363-24 AND 70362-24, THE NEXT THREE SEALED INDICTMENTS WERE AGAINST PLAINTIFFS CONSTITUTIONAL RIGHTS. SEALED INDICTMENTS A) PREVENT FLIGHT B) PROTECTS GRAND JURORS C) PREVENTS TAMPERING WITH WITNESSES D) PROTECTS INNOCENT ACCUSED E) ASSURANCE TO PROSPECTIVE WITNESSES. AS AN INCARCERATED INDIVIDUALS 8/5/24 AND 9/13/24 ARRAIGNMENTS ON INDICTMENTS #70407-24, #70406-24 AND 70623-24 WERE UNCONSTITUTIONAL TO PLAINTIFF. ALL FIVE INDICTMENTS WERE MULTIPLICIOUS AND OFFENSES UNCONSTITUTIONAL

8) CUSTODIAL INTERROGATION AND RIGHT TO COUNSEL UNCONSTITUTIONAL ON 9/12/24.

DETECTIVE WARRANT SOUNDS DETECTIVE WILKINSON, DET. D'MATO, DET TRUSCELLI, DET O'BRIEN, DET JANE DOE AND JOHN DOE TOOK PLAINTIFF FROM STARKEN ISLAND (SI) COURTHOUSE HOLDING CELL AND SAID HE WAS BEING ARRESTED ON ANOTHER CHARGE. PLAINTIFF ASKED FOR HIS ATTORNEY MARK PONTRE AND DETECTIVES REFUSED TO CALL PLAINTIFFS ATTORNEY, MOCKED PLAINTIFF, CURSED AT PLAINTIFF, CALLED HIM NAMES, THREATENED PLAINTIFF, REFUSED TO TELL HIM WHY HE WAS BEING ARRESTED AND FOR WHAT CHARGE. DETECTIVES BROUGHT PLAINTIFF IN FRONT OF JUDGE GRAY, ON THE RECORD PLAINTIFF ASKED JUDGE TO BE PRESENT AT GRAND JURY, STATED THAT TOP CHARGE GRAND JURONY DID NOT REQUIRE SEALED INDICTMENT AND SECRET GRAND JURY. GRAND JURY TESTIMONY WAS NOT AFFORDED TO PLAINTIFF AND ON 9/13/24, PLAINTIFF WAS FINGERPRINTED AND ARRESTED FOR INDICTMENT # 70623-24. BAIL SET AT \$1 MILLION DOLLARS.

8A) CUSTODIAL INTERROGATION OF MY THREE GRANDCHILDREN AT 701 L DAY STREET AFTER THEIR MOTHER AND FATHER WAS ARRESTED AND TAKEN TO PRECINCT WAS UNCONSTITUTIONAL. GRANDCHILDREN TABLETS WERE TAKEN, PASSWORDS AND PERSONAL

PLAINTIFFS

9) Equal protection constitutional rights were violated. Plaintiff was a victim of Identity Theft. Identity Theft complaint against Ashley Carbone, Plaintiff's Codefendant on Indictment # 70362-24 was reported to Det Menoni at 120 Precinct approximately March 2024. Ashley had dealings with Codefendant Justin Roper, Plaintiff's Codefendant on Indictment # 70623-24. Bail is much less than Plaintiff. Justin was a criminal background. Plaintiff has never been accused of a crime, the crimes accused of starting 5/22/24 and four other indictments to follow, were all non violent. Plaintiff is not a flight risk, has business and home and family to include children and grandkids adjacent to one another. For 38 years he is in good standing in business, as family man and with the community. Third Codefendant Leroy Vincent on Indictment # 70623-24 was released on his own recognizance.

Rights violated includes "failure to intervene" and "failure to investigate" by police and detectives. Bail of Codefendants on all indictments unequal to Plaintiff.

10) PLAINTIFF PLEADS THE EXISTENCE OF A CONSPIRACY CONNECTING DEFENDANTS WITH AN ACTIONABLE TORT AND THAT DEFENDANTS ACTIONS WERE PART OF A COMMON THEME A) DEFENDANT LIES IN ACCUSATORY STATEMENT THAT CAUSES WARRANTS SIGNED BY JUDGE MATHEI THAT CAUSES ARREST OF PLAINTIFF AND "NO KNOCK" WARRANTS EXHIBIT #4

B) DEFENDANTS NYC DEPARTMENT OF BUILDINGS AND DETECTIVES WERE PART OF A SCHEME THAT SHUT DOWN PLAINTIFFS LEGAL MEN'S DORMITORY. CERTIFICATE OF OCCUPANCY WAS ISSUED FOR MEN'S DORMITORY AT 691 BAY ST 3RD FLOOR 5/15/58 AND OVER THE LAST FIVE YEARS DOZENS OF INSPECTIONS WERE DONE BY NYC DEPT OF BUILDINGS, HPD, ACS, PRIVATE REAL ESTATE AGENTS WHO RENTED DORMS AND CIVIL COURT JUDGES AT CIVIL COURT 927 CASTLETON AVE ST NY HAVE INSPECTED CERTIFICATE OF OCCUPANCY WITH NO INCIDENT. ON OR ABOUT 5/29/24 A WEEK AFTER PLAINTIFFS ARREST AND SEARCHES, NYC DOB VACATED DORMITORY AND ISSUED OVER \$700,000 IN FINES. THE FINES ARE A VIOLATION OF PLAINTIFFS US CONSTITUTIONAL RIGHTS.

10) continued: NYC DEPT OF BUILDINGS, NYC DETECTIVES AND RCDA CONSPIRED AGAINST PLAINTIFF DEPRIVING PLAINTIFF OF EQUAL PROTECTION OF THE LAWS FOR THE PURPOSE OF HINDERING THE PLAINTIFFS LIBERTY EXHIBIT # 6 LAI men's dormitory CERT OF OCCUPANCY

ON SEPT 12TH 2024, AT SI COURTHOUSE DETECTIVES AND RCDA CONSPIRED ON THE PHONE THREATENING PLAINTIFF, MOCKING AND CURSING AT PLAINTIFF FOR HIS REFUSAL TO GET FINGERPRINTED UNTIL HIS ATTORNEY CAME. THEY REFUSED TO TELL PLAINTIFF ~~WHY~~ HE WAS BEING ARRESTED AND FOR WHAT CHARGES. THEY THREATENED TO RIP HIM OUT OF HIS CHAIR WHILE HANDCUFFED AND FORCE HIM TO GET FINGERPRINTED. THEY KNEW PERSONAL INFORMATION ABOUT PLAINTIFF INCLUDING FILING LAWSUITS AGAINST NYC.

DETECTIVES MOCKED PLAINTIFF ABOUT HIS NEW BEARD AND MOUSTACHE AND MOCKED HIM FOR FILING LAWSUITS. PLAINTIFF NEVER TOLD DETECTIVES ABOUT LAWSUIT, IT IS ASSUMED RCDA STAFF IS LEAKING PLAINTIFFS CASE INFORMATION. OTHER DETECTIVES WATCHED THIS MOCKERY AND PLAINTIFF ACCUSED DETECTIVES OF "FAIL TO INTERVENE"

7A) SEALED GRAND JURY FOR INDICTMENTS # 70407-24 AND ~~#~~ 70406-24 ON 2/5/24 AND # 70623-24 ON 9/13/24 WHICH ARRAIGNED AND ARRESTED PLAINTIFF WAS UNCONSTITUTIONAL, FOR THE FOLLOWING REASONS: A) THE PLAINTIFF WAS ALREADY INCARCERATED, BEING INCARCERATED ON 5/22/24 ON SEALED GRAND JURY, ARRAIGNMENT AND ARREST AND WAS NOT A FLIGHT RISK B) SEALED GRAND JURY DID NOT ALLOW FREE DISCLOSURE OF INFORMATION BY WITNESSES SINCE PLAINTIFF WAS ALREADY INCARCERATED. SECRECY WAS BEEN AN INTEGRAL FEATURE OF GRAND JURY PROCEEDINGS SINCE WELL BEFORE THE FOUNDING OF OUR NATION AND SECRECY WAS AGAINST PLAINTIFFS CONSTITUTIONAL RIGHTS GIVEN IT DID NOT PRESERVE PLAINTIFFS REPUTATION DUE TO PRESS BEING INVITED TO COVER ARRAIGNMENT AND ARREST AND BEING ALREADY ARRESTED, THE SECRECY DID NOT FURTHER SAFEGUARD THE INDEPENDENCE OF THE GRAND JURY. SECRECY IS NOT ABSOLUTE. IN ADDITION, RICHMOND COUNTY DISTRICT ATTORNEY SUPERVISED RELEASE EMPLOYEE DISCLOSED, INTENTIONALLY, GRAND JURY SECRET INDICTMENTS (ALL FIVE) AND RESULTS OF GRAND JURY PROCEEDINGS TO PLAINTIFFS TENANT AND GRAND JURY WITNESS IN INDICTMENT # 70407-24, FOX OPEN AND TO THE GENERAL PUBLIC.

mailed certified mail 7/5/24

EXHIBIT # 1 of 1

TO: MARK FONTE ESQ
2550 Victory Blvd # 304
SE My 0314

Date: 6/25/24

RE: People v. EXXOVE MAZZEI

Indictment #: 70363-24/001 70362/24/001 70406-24/001

Dear Sir / Madam:

70407-24/001

I'm writing to you with reference to the legal documents or court papers which I need in order to fully understand the charge(s) presently lodged against me and pending before the court. I know that you are extremely busy and I believe that you represent me in a professional and competent manner, however, I will not be able to participate knowingly and intelligently in my own defense without personally reviewing the evidence, legal documents, and court papers in this case.

Please be advised that at this time I respectfully request that you forward me, at your earliest convenience, photocopies of the following documents or court papers listed below, as well as all other records, papers, documents, and evidence related to my case which will assist in my preparation for an adequate defense.

- | | |
|---|---|
| 1. Felony or Misdemeanor Complaint; | 20. Command Discipline Report/ Ejection |
| 2. Indictment form; | Recapitulation of Detectives' Arrest activity |
| 3. Voluntary Disclosure form; | 21. Complaint Follow-Ups (DD5's); |
| 4. Discovery Motion; | 22. Complaint Index; |
| 5. Omnibus Motion; | 23. Complaint Report; |
| 6. Peoples' Response to Omnibus Motion; | 24. Complaint Report Worksheet; |
| 7. Copy of any statements alleged to have been made by me; | 25. Crime Index Worksheet; |
| 8. Arrest Interrogation Report; | 26. Crime Index Data Sheet; |
| 9. Arrest Report; | 27. Crime Index Documents; |
| 10. Arrest Report Supplement; | 28. Daily Activity Log Sheets; |
| 11. Arrest Report Brief; | 29. Electronic Communications Report; |
| 12. Arrest Worksheet; | 30. Enhancement Report; |
| 13. Buy Corroboration Report; | 31. Incident Report; |
| 14. C.C.I.U. Fact Sheet (Career Criminal Investigation unit); | 32. Interrupted Report; |
| 15. Central Booking Control Sheet | 33. Interrupted Patrol Log; |
| 16. Central Complaint Desk Sheet (Index); | 34. Investigation Activity Log; |
| 17. Central Complaint Desk Report; | 35. Memorandum Book entries; |
| 18. Command Discipline Log; | 36. 911 Report; |
| 19. Command Discipline Quarterly Report; | 37. On-Line Booking Systems Arrest Worksheet; |

EXHIBIT pg 2

- 38. Patrolman's Log;
- 39. Patrolman's Monthly Activity Report;
- 40. Patrolman's Superior's Report of Felony;
- 41. Plainclothes Patrolman's Monthly Activity Log;
- 42. Police Laboratory Analysis Report;
- 43. Police Radio Transcripts;
- 44. Police Worksheet;
- 45. ADA Worksheet;
- 46. Property Clerk's Invoice;
- 47. Radio Alarm;
- 48. Radio Units;
- 49. Request for Commendation;
- 50. Scratch Pad (PU 155-110);
- 51. Sergeant's Monthly Activity Report;

messing indictment # 2
70362-24/001

- 52. Sprints Sheets;
- 53. Supervisor's Log;
- 54. Supplementary Report;
- 55. Video Tapes;
- 56. Vouchers;

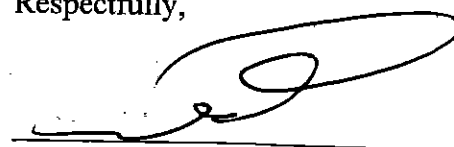
protective order:
application to redact
my indictment

- 57. Any police reports that are not exempt from property;
- 58. Any other information necessary for research and preparation for my offenses including but not limited to Brady & Rosario material.

If you do not have these documents in your possession, I respectfully request that you subpoena them prior to the statutory period of discovery.

Thank you for your time and patience. I look forward to hearing from you in the very near future.

Respectfully,




Defendant:

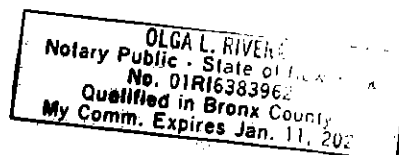
5412400411

B&C Number

Sworn to before me this 20th day
of June, 2024.

elaine narver


Notary Public



Richmond County Supreme Court
Criminal Term Rm 240
26 Central Avenue
Staten Island, New York 10301

July 17 2024

Ettore Mazzei 5412400411
1500 Hazen St Nic 6S
E. Elmurst NY 11370

Sir:

We are in receipt of your request for discovery on your pending case. Please be advised all documents pertaining to your case are given to your attorney. If you would like additional copies it would cost .65 cents per page. Also please be aware some discovery may be sent electronically to your lawyer and would not be part of the court file so please check with your lawyer to obtain any documents you may need.

Thank you,


Richmond County Clerks Office

on July 28th I SENT
my CHILDREN MELISSA &
DAN to pick up DISCOVERY
FOR .65 PER PAGE AND
ANTHONY DESTEFANO CRIMINAL
CHIEF CLERK SENT THEM
AWAY WITH NO DISCOVERY.
MR DESTEFANO SAID IT MUST
COME FROM YOUR LAWYER.

Exhibit # 1 pg 4

Mazzei 65

The person in custody (PIC) should contact the attorney handling the case and request that their electronic data be sent to DOC's headquarters. Electronic discovery video files must be converted and saved to Windows compliant MP4 video files.

Discovery material must be mailed or hand-delivered to:

- Katherine Ajayi, Agency Attorney
New York City Department of Correction
Litigation Support Unit, Legal Division
75-20 Astoria Boulevard, Suite 305
East Elmhurst, NY 11370

718-546-0958

SENT to ATTORNEY
MARK FORTE



POLICE DEPARTMENT
LEGAL BUREAU
F.O.I.L Unit, Room 110C
One Police Plaza
New York, NY 10038

Efloze Mazzel 5412400411
1500 Hazen St
East Elmhurst, NY, 11370

July 12, 2024

FOIL Request #: FOIL-2024-056-18905
Your File #:

Dear Sir or Madam:

This is in response to your request received by this office on July 9, 2024 in which you requested access to certain records under the New York State Freedom of Information Law (FOIL).

Your request has been assigned to Police Officer DENNIS (646-610-6445) of this office. Before a determination can be rendered, further review is necessary to assess the potential applicability of exemptions set forth in FOIL, and whether the records can be located. I estimate that this review will be completed, and a determination issued within 90 business days of this letter.

This is not a denial of the records you requested. Should your request be denied in whole or in part, you will then be advised in writing of the reason for any denial, and the name and address of the Records Access Appeals Officer.

Very truly yours,

A handwritten signature in black ink, appearing to read "Cynthia Acerra", written over a horizontal line.

Cynthia Acerra
Sergeant
New York City Police Department (NYPD)

this letter is in response to my FOIA request for 1) arrest at 3³⁰ am 5/22 on target st just south of vanderbilt avenue after being followed by same police for 1.5 hours. CPL 120.80

2) custodial interrogation on 5/22 approx 9³⁰-10³⁰ at 120 precinct in the lobby. Det ^{Det BRENDAN O'BRIEN (or)} assumed to be Det Kevin brown? He aggressively asked me while handcuffed "WHERE ARE THE DRUGS" I said "there are none" he said "if you dont tell me where the drugs are, I will tear apart your house & apartments, destroy you, your family and business."

5/22 6 AM
During no knock warrant raid on my daughters home 201 L Bay street ST NY 10264, police interrogated my GRANDCHILDREN ages 7 and 10, took their tablets and asked them for their passwords and more after their mom & boyfriend were taken away.

EXHIBIT #3



ERIC L. ADAMS
MAYOR

CIVILIAN COMPLAINT REVIEW BOARD
100 CHURCH STREET 10th FLOOR
NEW YORK, NEW YORK 10007 ♦ TELEPHONE (212) 912-7235
www.nyc.gov/ccrb



ARVA RICE
INTERIM CHAIR

IAB REF#: 202407827

August 07, 2024

Ettore Mazzei
1500 Hazen Street MC 6B-Book/Case5412400411
East Elmhurst, NY 11370

Dear Ettore Mazzei:

The Civilian Complaint Review Board has a specific jurisdiction when it is investigating allegations against sworn members of the NYPD. Some allegations do not fall under the jurisdiction of the CCRB and fall under the jurisdiction of another entity, which is the case here.

As a result, we are forwarding your complaint to the **Internal Affairs Bureau**, so they can take appropriate action. Please expect to hear from someone from that organization who will be investigating your incident. They will be able to explain to you in detail how their process works. Your continued willingness to participate in this extremely important process with the **Internal Affairs Bureau** is greatly appreciated.

If you have any questions, please contact the **Internal Affairs Bureau** at **315 Hudson Street 3 Fl, New York NY 10013; telephone (212) 741-8414**. Make sure you have the reference number at the top of this page when reaching out to them.

The integrity and quality of the Police Department's service to the public depends, in large part, upon receiving information from citizens like you regarding the performance of police officers as they carry out their duties. The Civilian Complaint Review Board is grateful for the effort you have already put forth in furthering this goal.

Sincerely,

Eshwarie Mahadeo
Director of Case Management

EXHIBIT #4 pg 1

2 SIDED

tenants or associates, who were also involved in criminal activity, he reported those individuals to law enforcement, including the NYPD, the FBI, and the RCDA in an attempt to prevent those individuals from retaliating against him and reporting Maz's crimes to law enforcement. On many occasions, after Maz reported these individuals and they were arrested, Maz often bragged to others that he was the reason for these individuals' arrests.

20. An analysis of financial documentation associated with Maz's businesses revealed that these entities are not profitable and conduct little to no legitimate business. Based on my investigation, Maz's primary source of income is his narcotics operation and his financial crimes, which he has been committing for over three decades.

21. Our investigation has revealed that Maz has numerous business and personal bank accounts at Santander, Northfield, Chase, and Catskill Hudson Banks. In addition, Maz has a safe deposit box, #10000001468560, located at Chase Bank, 621 Bay Street, Staten Island, New York, 10304, in the names of Ettore Mazzei and Rebecca Heflin, Maz's Safe Deposit Box, and an Interactive Brokers Account, #U4280428, Maz's Broker Account. Based on the evidence described below, it is my belief that Maz uses Maz's Safe Deposit Box and Maz's Broker Account to store illegal narcotics trafficking and financial related criminal proceeds.

**691 BAY STREET
MAZ'S CATERING HALL, MAZ'S DORMS,
MAZ'S BAR & MAZ'S RECORDING STUDIO**

22. Over the course of this investigation, I and members of my team have conducted surveillance at 691, 695, 701 and 703 Bay Street, Staten Island, New York on numerous occasions. In addition, numerous pole cameras were installed in the vicinity of Maz's properties. Thus, I am familiar with all of Maz's Bay Street properties. 691 Bay Street is a three-story, commercial, retail property, with a basement, located on Bay Street, between Dock Street and Vanderbilt Avenue, in Staten Island, New York. 691 Bay Street consists of Maz's Catering Hall, Maz's Bar, Maz's Recording Studio, and Maz's Dorms. Maz's Catering Hall is located on the first and second floors, and includes an outdoor deck, with a kitchen in the basement. Maz's Bar and Maz's Recording Studio are also located in the basement of the property. Maz recently converted the third floor of Maz's Catering Hall into dormitory style living during the COVID pandemic, consisting of several single occupancy rooms (Maz's Dorms) and a shared common living space. Currently, there are numerous tenants who reside in Maz's Dorms, including Martucci, Angelina Grube, William Sheppard, Joro, Rudolfo Casiano, Dawn Cole, Margorie Walton, Christopher Stokes, and Edill Lopez.

23. 691 Bay Street is clearly marked with "691" on the front door of the location on the street level. In addition, the front of the building has "Chez Vous Caterers" and "Edgewater Hall" clearly displayed on the awning of the location. 695 Bay Street is attached to 691 Bay Street on the right side. The exterior of the location consists of glass store front windows on the street level, and red brick on the second and third floors of the building. The second and third floors each contain numerous windows and two fire escapes. There are several surveillance cameras affixed to the exterior of the building.

2 year investigation, 7 month wiretap and the
we famous superior of drug dealing never was
caught selling anything (over)

#20
IS A
LIE
forensic
accountant
missed
my
1040's?

2021
tax
return
91055
\$3901
\$100K
in city
state
federal
taxes
paid
by
year

EXHIBIT #4 P. 2

thousand narcotics-related arrests. During Detective O'Brien's career, he has participated in ten wiretap investigations, most of which involved narcotics, gangs, and firearms. As a result, Detective O'Brien has listened to and reviewed thousands of intercepted conversations regarding this illegal activity, most of which utilized coded language. Detective O'Brien has received training and has extensive experience in the investigation of the operation of narcotics trafficking and various other criminal schemes. Because of his over twenty years of law enforcement training and experience, Detective O'Brien has become familiar with the various methods of narcotics trafficking, including but not limited to, their different methods of communication, including, the frequent use of cell phones, the use of multiple cell phones, text messaging, communication over the internet, the frequent changing of cell phones, the use of code words, cryptic language, and other methods of avoiding detection by law enforcement. Detective O'Brien is the monitoring plant manager for this investigation.

5. In addition to my reliance on Detective Brendan O'Brien, I am also relying on the training and experience of Katelyn Tierney, a forensic accountant employed by the Richmond County District Attorney's Office (hereinafter, "RCDA"). She has extensive experience in the analysis and review of criminal financial activity, including the review of bank statements, records from government agencies, tax returns of individuals and businesses, as well as other financial records. Ms. Tierney graduated from The College of New Jersey with a degree in accounting in 2013 and became a Certified Public Accountant in 2015. She has currently been employed with RCDA for approximately six years. During that time, she has participated in over twenty investigations involving the analysis and review of financial records as described above. Additionally, she has given sworn grand jury testimony over a dozen times regarding her analysis of financial records. Prior to being employed with RCDA, Ms. Tierney worked at a public accounting firm for four years.

6. This affidavit is submitted in support of an application for warrants to search:
- a) 691 Bay Street, Edgewater Hall, Chez Vous Caterers, 1st and 2nd Floors, Staten Island, New York (hereinafter, "Maz's Catering Hall");
 - b) 691 Bay Street, 3rd Floor, including all residential units, Staten Island, New York (hereinafter, "Maz's Dorms");
 - c) 691 Bay Street, Basement Bar, Staten Island, New York (hereinafter, "Maz's Bar");
 - d) 691 Bay Street, Basement Recording Studio, Staten Island, New York (hereinafter, "Maz's Recording Studio");
 - e) 695 Bay Street, The Richmond, Staten Island, New York (hereinafter, "The Richmond");
 - f) 701R Bay Street, Staten Island, New York (hereinafter, "701R");
 - g) 701L Bay Street, Staten Island, New York (hereinafter, "701L");
 - h) 701 Bay Street, Chez Vous Catering Office, Staten Island, New York (hereinafter, "Maz's Catering Office");
 - i) 703 Bay Street, Staten Island, New York (hereinafter, "Maz's House");
 - j) 17 Osgood Avenue, 1st Floor apartment, Staten Island, New York (hereinafter, "Tatiana's House");

EXHIBIT # 4 pg 3

STATE OF NEW YORK)
) ss:
 COUNTY OF NEW YORK)

DETECTIVE ARTHUR TRUSCELLI, Shield Number 691, being duly sworn, deposes and says:

1. I have been a member of the New York City Police Department (hereinafter, "NYPD") for approximately twenty-two years, and a detective for approximately eleven years. I have been assigned to the NYPD's Narcotics Borough Staten Island (hereinafter, "NBSI"), for approximately nine years.

2. I have been trained in the identification of marihuana, narcotics, controlled substances, packaging materials, and related drug paraphernalia. I have completed the NYPD's Narcotics Investigator's Course, which among other things, familiarizes police officers with the methods of operation of selling and packaging illegal narcotics. During my career, I have participated in over one thousand arrests where narcotics or controlled substances were recovered. In addition, I have participated in over one hundred long-term narcotics-related investigations, which have resulted in numerous arrests. I have participated in the execution of over one hundred search warrants where narcotics, controlled substances, and firearms were recovered. Moreover, I have conducted approximately five hundred debriefings of suspects regarding narcotics trafficking. I have also been the case officer for investigations into narcotics activity for over two hundred cases utilizing confidential informants. During my career, I have participated in approximately ten wiretap investigations, which involved narcotics, gangs, and firearms. Consequently, I have listened to thousands of intercepted conversations regarding illegal activity, most of which utilized coded language. In addition, I have conducted many hours of surveillance of individuals buying, selling, and transporting narcotics.

3. I have also received instruction at the NYPD's Criminal Investigator's Course on how to conduct long-term investigations, and how to interview and debrief suspects and witnesses. My investigative team in this case is made up of police officers and detectives assigned to NBSI. The members of my investigative team have similar work experience, and I continue to have conversations with them concerning this investigation as well as other similar investigations. As a result of my training and experience, I am familiar with the methods of operation of narcotics enterprises, including, but not limited to, the methods of importing, packaging, transferring, and distributing narcotics on both the street and wholesale levels; and their different methods of communication, including, the frequent use of cell phones, the use of multiple cell phones, the frequent changing of cell phones, the use of coded and cryptic language, and other methods of avoiding detection by law enforcement.

4. Throughout this investigation, I have been working with several other experienced members of law enforcement and will continue to do so. Additionally, I also rely upon the training and experience of my team member, Detective Brendan O'Brien (hereinafter, "Detective O'Brien"), a twenty-six-year veteran of the NYPD, who is also assigned to NBSI. Detective O'Brien has been assigned to NBSI for the last twenty years. Overall, Detective O'Brien has participated in over one

(2 SIDED)

EXHIBIT # 4 89 4

crimes; Maz owns Maz's Catering Hall, Maz's Dorms, Maz's Bar, Maz's Recording Studio, 701L, Maz's Catering Office, 701R, and The Richmond; Maz owns and resides at Maz's House; Tatiana resides at Tatiana's House; Koloden works at The Accountant's Office; Maz and his co-conspirators, accomplices, agents, and others are utilizing THE TARGET PREMISES in furtherance of their narcotics and financial related-criminal activities; Maz and his associates use all of THE TARGET PREMISES to store evidence of their narcotics and financial-related crimes, including narcotics, paraphernalia, drug and financial records, and illegal narcotics trafficking and financial-related criminal proceeds; Maz and Koloden use The Accountant's Office to store evidence of their financial-related crimes, including financial and tax records; Maz uses Maz's Safe Deposit Box and Maz's Broker Account to store illegal narcotics trafficking and financial-related criminal proceeds; and that the items described above will be found inside of the above-described TARGET PREMISES, The Accountant's Office, Maz's Safe Deposit Box, Maz's Broker Account, and on the persons of Maz and Melissa.

WHEREFORE, I respectfully request that the Court issue warrants and orders of seizure in the forms annexed, authorizing a search of THE TARGET PREMISES, The Accountant's Office, and the persons of MAZ and MELISSA, and a search and seizure of MAZ'S SAFE DEPOSIT BOX and MAZ'S BROKER ACCOUNT, any time day or night, for the above described property, and directing that if such property or evidence or any part thereof be found that it be seized and brought before the Court. It is also requested that the officers executing the warrant be permitted to enter the above premises without giving prior notice of authority and purpose.

Further, it is requested that this affidavit be sealed based upon the confidential information and ongoing nature of the investigation, said sealing to be disturbed only by Order of the Court.

No previous application in this matter has been made to any other judge, justice, or magistrate.

False statements made herein are punishable as a class A misdemeanor pursuant to §210.45 of the Penal Law,

Det. A. Truscelli #691

Detective Arthur Truscelli
Shield Number 691
Narcotics Borough Staten Island

Dated: 5/20/2024
Time: 2:28 p.m.
Staten Island, New York

Mario Mattei
HONORABLE MARIO MATTEI
JUSTICE OF THE SUPREME COURT
STATE OF NEW YORK

Hon. Mario F. Mattei

DET. TRUSCELLI

55

EM +
GP
GJ
MINUTE

(1)

1 JUROR: I was wondering if he
2 can answer this question.
3 Are you going to investigate
4 who is the supplier of Ettore
5 Mazzei and --

6 MS. MOLFETTA: You can't
7 comment on the -- good
8 question, like nice that you
9 want to know, unfortunately
10 for Grand Jury purposes --

11 JUROR: The big fish.

12 Q Detective, during this
13 investigation thus far, did you determine, did
14 you form an opinion who you believed Ettore
15 Mazzei's suppliers have been?

16 A Yes.

17 Q And what was that opinion?

18 A Kadeem Lewis is the primary
19 supplier as well as Pedro Hernandez.

20 Ettore is "the
21 big fish" juror
22 is referring to.
23 He never gave or
24 sold drugs to
25 anybody

JUROR: I have a question, so
in all of this, and I know
that he, whatever his name
is, one of the big fish, I
never heard that he actually
gave anything to anybody, so

SCHEDULE E
(Form 1040)**Supplemental Income and Loss**

OMB No. 1545-0074

(From rental real estate, royalties, partnerships, S corporations, estates, trusts, REMICs, etc.)

▶ Attach to Form 1040, 1040-SR, 1040-NR, or 1041.

▶ Go to www.irs.gov/ScheduleE for instructions and the latest information.**2021**Attachment
Sequence No. **13**Department of the Treasury
Internal Revenue Service (99)

Name(s) shown on return

Ettore D Mazzei

Your social security number

099-56-9694

Part I **Income or Loss From Rental Real Estate and Royalties** **Note:** If you are in the business of renting personal property, use **Schedule C**. See instructions. If you are an individual, report farm rental income or loss from **Form 4835** on page 2, line 40.**A** Did you make any payments in 2021 that would require you to file Form(s) 1099? See instructions ☐ Yes ☒ No**B** If "Yes," did you or will you file required Form(s) 1099? ☐ Yes ☐ No

1a	Physical address of each property (street, city, state, ZIP code)				
A	701 BAY STREET Staten Island NY 10304				
B	691 Bay St Staten Island NY 10304				
C	46 Chestnut LLC Liberty NY 12754				
1b	Type of Property (from list below)	2 For each rental real estate property listed above, report the number of fair rental and personal use days. Check the QJV box only if you meet the requirements to file as a qualified joint venture. See instructions.	Fair Rental Days	Personal Use Days	QJV
A	2		365	0	<input type="checkbox"/>
B	2		365	0	<input type="checkbox"/>
C	1		365	0	<input type="checkbox"/>

Type of Property:

- 1 Single Family Residence 3 Vacation/Short-Term Rental 5 Land 7 Self-Rental
2 Multi-Family Residence 4 Commercial 6 Royalties 8 Other (describe)

Income:		Properties:	A	B	C
3	Rents received	3	62,350.	208,000.	5,000.
4	Royalties received	4			
Expenses:					
5	Advertising	5			
6	Auto and travel (see instructions)	6		3,650.	
7	Cleaning and maintenance	7	3,600.	6,700.	
8	Commissions.	8			
9	Insurance	9	1,600.	9,655.	400.
10	Legal and other professional fees	10			
11	Management fees	11			
12	Mortgage interest paid to banks, etc. (see instructions)	12	12,850.	38,125.	
13	Other interest.	13			
14	Repairs.	14	7,545.	19,551.	7,550.
15	Supplies	15			
16	Taxes	16	9,750.	56,125.	8,715.
17	Utilities.	17	4,700.	12,128.	
18	Depreciation expense or depletion	18	6,647.	17,943.	888.
19	Other (list) ▶	19			
20	Total expenses. Add lines 5 through 19	20	46,692.	163,877.	17,553.
21	Subtract line 20 from line 3 (rents) and/or 4 (royalties). If result is a (loss), see instructions to find out if you must file Form 6198	21	15,658.	44,123.	-12,553.
22	Deductible rental real estate loss after limitation, if any, on Form 8582 (see instructions)	22	()	()	(12,553.)
23a	Total of all amounts reported on line 3 for all rental properties	23a	275,350.		
b	Total of all amounts reported on line 4 for all royalty properties	23b			
c	Total of all amounts reported on line 12 for all properties	23c	50,975.		
d	Total of all amounts reported on line 18 for all properties	23d	25,478.		
e	Total of all amounts reported on line 20 for all properties	23e	228,122.		
24	Income. Add positive amounts shown on line 21. Do not include any losses	24	59,781.		
25	Losses. Add royalty losses from line 21 and rental real estate losses from line 22. Enter total losses here	25	(12,553.)		
26	Total rental real estate and royalty income or (loss). Combine lines 24 and 25. Enter the result here. If Parts II, III, IV, and line 40 on page 2 do not apply to you, also enter this amount on Schedule 1 (Form 1040), line 5. Otherwise, include this amount in the total on line 41 on page 2	26	47,228.		

For Paperwork Reduction Act Notice, see the separate instructions.

Schedule E (Form 1040) 2021

4797

Sales of Business Property
(Also Involuntary Conversions and Recapture Amounts
Under Sections 179 and 280F(b)(2))

► **Attach to your tax return.**

▶ Go to www.irs.gov/Form4797 for instructions and the latest information.

OMB No. 1545-0184

2021

Attachment
Sequence No. 27

Name(s) shown on return

Ettore D Mazzei

Identifying number

099-56-9694

- | | |
|-----------|---|
| 1a | Enter the gross proceeds from sales or exchanges reported to you for 2021 on Form(s) 1099-B or 1099-S (or substitute statement) that you are including on line 2, 10, or 20. See instructions |
| b | Enter the total amount of gain that you are including on lines 2, 10, and 24 due to the partial dispositions of MACRS assets |
| c | Enter the total amount of loss that you are including on lines 2 and 10 due to the partial dispositions of MACRS assets |

Part I Sales or Exchanges of Property Used in a Trade or Business and Involuntary Conversions From Other Than Casualty or Theft—Most Property Held More Than 1 Year (see instructions)

2	(a) Description of property	(b) Date acquired (mo., day, yr.)	(c) Date sold (mo., day, yr.)	(d) Gross sales price	(e) Depreciation allowed or allowable since acquisition	(f) Cost or other basis, plus improvements and expense of sale	(g) Gain or (loss) Subtract (f) from the sum of (d) and (e)
3	Gain, if any, from Form 4684, line 39						3
4	Section 1231 gain from installment sales from Form 6252, line 26 or 37						4
5	Section 1231 gain or (loss) from like-kind exchanges from Form 8824						5
6	Gain, if any, from line 32, from other than casualty or theft						6 46,672.
7	Combine lines 2 through 6. Enter the gain or (loss) here and on the appropriate line as follows						7 46,671.
<p>Partnerships and S corporations. Report the gain or (loss) following the instructions for Form 1065, Schedule K, line 10, or Form 1120-S, Schedule K, line 9. Skip lines 8, 9, 11, and 12 below.</p> <p>Individuals, partners, S corporation shareholders, and all others. If line 7 is zero or a loss, enter the amount from line 7 on line 11 below and skip lines 8 and 9. If line 7 is a gain and you didn't have any prior year section 1231 losses, or they were recaptured in an earlier year, enter the gain from line 7 as a long-term capital gain on the Schedule D filed with your return and skip lines 8, 9, 11, and 12 below.</p>							
8	Nonrecaptured net section 1231 losses from prior years. See instructions						8
9	Subtract line 8 from line 7. If zero or less, enter -0-. If line 9 is zero, enter the gain from line 7 on line 12 below. If line 9 is more than zero, enter the amount from line 8 on line 12 below and enter the gain from line 9 as a long-term capital gain on the Schedule D filed with your return. See instructions.						9

Part II Ordinary Gains and Losses (see instructions)

- | | | |
|----|---|--|
| 10 | Ordinary gains and losses not included on lines 11 through 16 (include property held 1 year or less): | |
|----|---|--|

11	Loss, if any, from line 7				11	
12	Gain, if any, from line 7 or amount from line 8, if applicable				12	
13	Gain, if any, from line 31				13	0.
14	Net gain or (loss) from Form 4684, lines 31 and 38a				14	
15	Ordinary gain from installment sales from Form 6252, line 25 or 36				15	
16	Ordinary gain or (loss) from like-kind exchanges from Form 8824				16	
17	Combine lines 10 through 16.				17	0.
18	For all except individual returns, enter the amount from line 17 on the appropriate line of your return and skip lines a and b below. For individual returns, complete lines a and b below.					
a	If the loss on line 11 includes a loss from Form 4684, line 35, column (b)(ii), enter that part of the loss here. Enter the loss from income-producing property on Schedule A (Form 1040), line 16. (Do not include any loss on property used as an employee.) Identify as from "Form 4797, line 18a." See instructions				18a	
b	Redetermine the gain or (loss) on line 17 excluding the loss, if any, on line 18a. Enter here and on Schedule 1 (Form 1040), Part I, line 4				18b	0.

For Paperwork Reduction Act Notice, see separate instructions. BAA

REV 05/18/22 PRO

Form **4797** (2021)

If you have a
qualifying child,
attach Sch. EIC.

Form **8582**
Department of the Treasury
Internal Revenue Service (99)

Passive Activity Loss Limitations

► See separate instructions.

► Attach to Form 1040, 1040-SR, or 1041.

► Go to www.irs.gov/Form8582 for instructions and the latest information.

OMB No. 1545-1008

2021

Attachment
Sequence No. **858**

Name(s) shown on return

Ettore D Mazzei

Identifying number

099-56-9694

Part I 2021 Passive Activity Loss

Caution: Complete Parts IV and V before completing Part I.

Rental Real Estate Activities With Active Participation (For the definition of active participation, see **Special Allowance for Rental Real Estate Activities** in the instructions.)

1a Activities with net income (enter the amount from Part IV, column (a))	1a	59,781.
b Activities with net loss (enter the amount from Part IV, column (b))	1b	(0.)
c Prior years' unallowed losses (enter the amount from Part IV, column (c))	1c	()
d Combine lines 1a, 1b, and 1c	1d	59,781.

All Other Passive Activities

2a Activities with net income (enter the amount from Part V, column (a))	2a	46,671.
b Activities with net loss (enter the amount from Part V, column (b))	2b	(-12,553.)
c Prior years' unallowed losses (enter the amount from Part V, column (c))	2c	()
d Combine lines 2a, 2b, and 2c	2d	34,118.

3 Combine lines 1d and 2d. If this line is zero or more, stop here and include this form with your return; all losses are allowed, including any prior year unallowed losses entered on line 1c or 2c. Report the losses on the forms and schedules normally used	3	93,899.
--	----------	---------

- If line 3 is a loss and:
- Line 1d is a loss, go to Part II.
 - Line 2d is a loss (and line 1d is zero or more), skip Part II and go to line 10.

Caution: If your filing status is married filing separately and you lived with your spouse at any time during the year, **do not** complete Part II. Instead, go to line 10.

Part II Special Allowance for Rental Real Estate Activities With Active Participation

Note: Enter all numbers in Part II as positive amounts. See instructions for an example.

4 Enter the smaller of the loss on line 1d or the loss on line 3	4	
5 Enter \$150,000. If married filing separately, see instructions	5	
6 Enter modified adjusted gross income, but not less than zero. See instructions	6	
Note: If line 6 is greater than or equal to line 5, skip lines 7 and 8 and enter -0- on line 9. Otherwise, go to line 7.		
7 Subtract line 6 from line 5	7	
8 Multiply line 7 by 50% (0.50). Do not enter more than \$25,000. If married filing separately, see instructions	8	
9 Enter the smaller of line 4 or line 8	9	0.

Part III Total Losses Allowed

10 Add the income, if any, on lines 1a and 2a and enter the total	10	
11 Total losses allowed from all passive activities for 2021. Add lines 9 and 10. See instructions to find out how to report the losses on your tax return	11	

Part IV Complete This Part Before Part I, Lines 1a, 1b, and 1c. See instructions.

Name of activity	Current year		Prior years	Overall gain or loss	
	(a) Net income (line 1a)	(b) Net loss (line 1b)	(c) Unallowed loss (line 1c)	(d) Gain	(e) Loss
701 BAY STREET	15,658.	0.		15,658.	
691 Bay St	44,123.	0.		44,123.	
Total. Enter on Part I, lines 1a, 1b, and 1c ►	59,781.	0.			

For Paperwork Reduction Act Notice, see instructions.

BAA

REV 05/18/22 PRO

Form **8582** (2021)

Form 4797 (2021)

Part III Gain From Disposition of Property Under Sections 1245, 1250, 1252, 1254, and 1255
(see instructions)

19	(a) Description of section 1245, 1250, 1252, 1254, or 1255 property:	(b) Date acquired (mo., day, yr.)	(c) Date sold (mo., day, yr.)
A	46 Chestnut LLC	01/01/2008	03/01/2021
B			
C			
D			

These columns relate to the properties on lines 19A through 19D. ▶		Property A	Property B	Property C	Property D
20	Gross sales price (Note: See line 1a before completing.)	20 130,000.			
21	Cost or other basis plus expense of sale	21 132,217.			
22	Depreciation (or depletion) allowed or allowable	22 48,888.			
23	Adjusted basis. Subtract line 22 from line 21.	23 83,329.			
24	Total gain. Subtract line 23 from line 20	24 46,671.			
25	If section 1245 property:				
a	Depreciation allowed or allowable from line 22	25a			
b	Enter the smaller of line 24 or 25a.	25b			
26	If section 1250 property: If straight line depreciation was used, enter -0- on line 26g, except for a corporation subject to section 291.				
a	Additional depreciation after 1975. See instructions	26a 0.			
b	Applicable percentage multiplied by the smaller of line 24 or line 26a. See instructions.	26b			
c	Subtract line 26a from line 24. If residential rental property or line 24 isn't more than line 26a, skip lines 26d and 26e	26c 46,671.			
d	Additional depreciation after 1969 and before 1976.	26d			
e	Enter the smaller of line 26c or 26d	26e			
f	Section 291 amount (corporations only)	26f			
g	Add lines 26b, 26e, and 26f	26g 0.			
27	If section 1252 property: Skip this section if you didn't dispose of farmland or if this form is being completed for a partnership.				
a	Soil, water, and land clearing expenses	27a			
b	Line 27a multiplied by applicable percentage. See instructions	27b			
c	Enter the smaller of line 24 or 27b	27c			
28	If section 1254 property:				
a	Intangible drilling and development costs, expenditures for development of mines and other natural deposits, mining exploration costs, and depletion. See instructions	28a			
b	Enter the smaller of line 24 or 28a.	28b			
29	If section 1255 property:				
a	Applicable percentage of payments excluded from income under section 126. See instructions	29a			
b	Enter the smaller of line 24 or 29a. See instructions	29b			

Summary of Part III Gains. Complete property columns A through D through line 29b before going to line 30.

30	Total gains for all properties. Add property columns A through D, line 24	30 46,671.
31	Add property columns A through D, lines 25b, 26g, 27c, 28b, and 29b. Enter here and on line 13	31 0.
32	Subtract line 31 from line 30. Enter the portion from casualty or theft on Form 4684, line 33. Enter the portion from other than casualty or theft on Form 4797, line 6	32 46,671.

Part IV Recapture Amounts Under Sections 179 and 280F(b)(2) When Business Use Drops to 50% or Less
(see instructions)

	(a) Section 179	(b) Section 280F(b)(2)
33	Section 179 expense deduction or depreciation allowable in prior years	33
34	Recomputed depreciation. See instructions	34
35	Recapture amount. Subtract line 34 from line 33. See the instructions for where to report	35

Form **8879****IRS e-file Signature Authorization**

(Rev. January 2021)

OMB No. 1545-0074

Department of the Treasury
Internal Revenue Service

- ERO must obtain and retain completed Form 8879.
► Go to www.irs.gov/Form8879 for the latest information.

Submission Identification Number (SID) ►

Taxpayer's name Ettore D Mazzei	Social security number 099-56-9694
Spouse's name	Spouse's social security number

Part I Tax Return Information — Tax Year Ending December 31, 2021 (Enter year you are authorizing.)

Enter whole dollars only on lines 1 through 5.

Note: Form 1040-SS filers use line 4 only. Leave lines 1, 2, 3, and 5 blank.

1	Adjusted gross income	1	62,904.
2	Total tax	2	6,831.
3	Federal income tax withheld from Form(s) W-2 and Form(s) 1099	3	51.
4	Amount you want refunded to you	4	
5	Amount you owe	5	4,780.

Part II Taxpayer Declaration and Signature Authorization (Be sure you get and keep a copy of your return)

Under penalties of perjury, I declare that I have examined a copy of the income tax return (original or amended) I am now authorizing, and to the best of my knowledge and belief, it is true, correct, and complete. I further declare that the amounts in Part I above are the amounts from the income tax return (original or amended) I am now authorizing. I consent to allow my intermediate service provider, transmitter, or electronic return originator (ERO) to send my return to the IRS and to receive from the IRS (a) an acknowledgement of receipt or reason for rejection of the transmission, (b) the reason for any delay in processing the return or refund, and (c) the date of any refund. If applicable, I authorize the U.S. Treasury and its designated Financial Agent to initiate an ACH electronic funds withdrawal (direct debit) entry to the financial institution account indicated in the tax preparation software for payment of my federal taxes owed on this return and/or a payment of estimated tax, and the financial institution to debit the entry to this account. This authorization is to remain in full force and effect until I notify the U.S. Treasury Financial Agent to terminate the authorization. To revoke (cancel) a payment, I must contact the U.S. Treasury Financial Agent at 1-888-353-4537. Payment cancellation requests must be received no later than 2 business days prior to the payment (settlement) date. I also authorize the financial institutions involved in the processing of the electronic payment of taxes to receive confidential information necessary to answer inquiries and resolve issues related to the payment. I further acknowledge that the personal identification number (PIN) below is my signature for the income tax return (original or amended) I am now authorizing and, if applicable, my Electronic Funds Withdrawal Consent.

Taxpayer's PIN: check one box only

- ☒ I authorize Koloden and Harris to enter or generate my PIN

6	9	6	9	4
---	---	---	---	---

 as my signature on the income tax return (original or amended) I am now authorizing. **Enter five digits, but don't enter all zeros**
- ☐ I will enter my PIN as my signature on the income tax return (original or amended) I am now authorizing. Check this box **only** if you are entering your own PIN and your return is filed using the Practitioner PIN method. The ERO must complete Part III below.

Your signature ► _____ Date ► _____

Spouse's PIN: check one box only

- ☐ I authorize _____ to enter or generate my PIN

--	--	--	--	--

 as my signature on the income tax return (original or amended) I am now authorizing. **Enter five digits, but don't enter all zeros**
- ☐ I will enter my PIN as my signature on the income tax return (original or amended) I am now authorizing. Check this box **only** if you are entering your own PIN and your return is filed using the Practitioner PIN method. The ERO must complete Part III below.

Spouse's signature ► _____ Date ► _____

Practitioner PIN Method Returns Only—continue below**Part III Certification and Authentication — Practitioner PIN Method Only****ERO's EFIN/PIN.** Enter your six-digit EFIN followed by your five-digit self-selected PIN.

1	2	1	6	3	2	1	1	2	3	5
---	---	---	---	---	---	---	---	---	---	---

Don't enter all zeros

I certify that the above numeric entry is my PIN, which is my signature for the electronic individual income tax return (original or amended) I am now authorizing to file for tax year indicated above for the taxpayer(s) indicated above. I confirm that I am submitting this return in accordance with the requirements of the Practitioner PIN method and Pub. 1345, Handbook for Authorized IRS e-file Providers of Individual Income Tax Returns.

ERO's signature ► _____ Date ► _____

ERO Must Retain This Form — See Instructions
Don't Submit This Form to the IRS Unless Requested To Do So

For Paperwork Reduction Act Notice, see your tax return instructions.

BAA

REV 05/18/22 PRO

Form **8879** (Rev. 01-2021)

EXHIBIT # 5 page 8

Page 4 of 4 IT-201 (2021) REV 05/07/22 PRO

Your Social Security number
099569694

62 Enter amount from line 61 62 3043.00

Payments and refundable credits (see pages 26 through 29)

63 Empire State child credit	63	.00
64 NYS/ NYC child and dependent care credit	64	.00
65 NYS earned income credit (EIC)	65	.00
66 NYS noncustodial parent EIC	66	.00
67 Real property tax credit	67	.00
68 College tuition credit	68	.00
69 NYC school tax credit (fixed amount) (also complete F on page 1)	69	.00
69a NYC school tax credit (rate reduction amount)	69a	.00
70 NYC earned income credit	70	.00
70a This line intentionally left blank	70a	
71 Other refundable credits (Form IT-201-ATT, line 18)	71	.00
72 Total New York State tax withheld	72	154.00
73 Total New York City tax withheld	73	89.00
74 Total Yonkers tax withheld	74	.00
75 Total estimated tax payments and amount paid with Form IT-370	75	500.00

If applicable, complete Form(s) IT-2 and/or IT-1099-R and submit them with your return (see page 11).

Do not send federal Form W-2 with your return.

76 Total payments (add lines 63 through 75) 76 743.00

Your refund, amount you owe, and account information (see pages 30 through 32)

77 Amount overpaid (if line 76 is more than line 62, subtract line 62 from line 76; see page 30)	77	.00
78 Amount of line 77 available for refund (subtract line 79 from line 77)	78	.00
78a Amount of line 78 that you want to deposit into a NYS 529 account (Form IT-195, line 4) (also submit Form IT-195)	78a	.00
78b Total refund after NYS 529 account deposit (subtract line 78a from line 78)	78b	.00

Mark one refund choice: ☐ direct deposit to checking or savings account (fill in line 83) - or - ☐ paper check

Refund? Direct deposit is the easiest, fastest way to get your refund.

See page 31 for payment options.

79 Amount of line 77 that you want applied to your 2022 estimated tax (see instructions) 79 .00

80 Amount you owe (if line 76 is less than line 62, subtract line 76 from line 62). To pay by electronic funds withdrawal, mark an X in the box ☒ and fill in lines 83 and 84. If you pay by check or money order you must complete Form IT-201-V and mail it with your return. 80 2300.00

81 Estimated tax penalty (include this amount in line 80 or reduce the overpayment on line 77; see page 31) 81 .00

82 Other penalties and interest (see page 31) 82 .00

See page 34 for the proper assembly of your return.

83 Account information for direct deposit or electronic funds withdrawal (see page 32).

If the funds for your payment (or refund) would come from (or go to) an account outside the U.S., mark an X in this box (see pg. 32) ☐83a Account type: ☒ Personal checking - or - ☐ Personal savings - or - ☐ Business checking - or - ☐ Business savings

83b Routing number 231372621 83c Account number 3151074499

84 Electronic funds withdrawal (see page 32) Date 06092022 Amount 2300.00

Third-party designee? (see instr.) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Print designee's name MICHAEL KOLODEN Email:	Designee's phone number (718)360 5337	Personal identification number (PIN)
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Paid preparer must complete (see instructions)		Preparer's NYTPRIN	NYTPRIN excl. code 0 3
Preparer's signature MICHAEL KOLODEN		Preparer's printed name MICHAEL KOLODEN	
Firm's name (or yours, if self-employed) KOLODEN AND HARRIS		Preparer's PTIN or SSN P00932147	
Address 7308 18TH AVE BROOKLYN NY 11204		Employer identification number 271352099	
Email: MICHAELKOLODENCPA@GMAIL.COM		Date 06092022	

Taxpayer(s) must sign here	
Your signature	
Your occupation MANAGER	
Spouse's signature and occupation (if joint return)	
Date	Daytime phone number
Email:	

See instructions for where to mail your return.

201004213555



Form 54-R&M-713020(55) 114

EXHIBIT # 6

DEPARTMENT OF BUILDINGS

BOROUGH OF RICHMOND, THE CITY OF NEW YORK

No. 10112

Date

CERTIFICATE OF OCCUPANCY

(Standard form adopted by the Board of Standards and Appeals and issued pursuant to Section 646 of the New York Charter, and Sections C.26-181.0 to C.26-187.0 inclusive Administrative Code 2.13.1 to 2.13.7 Building Code.)

This certificate supersedes C. O. No.

To the owner or owners of the building or premises:

THIS CERTIFIES that the ~~new~~ altered ~~existing~~ building--premises located at
691, 695 & 699 Bay Street E/S of South of Rock St.

Block 495 Lot 54

conforms substantially to the approved plans and specifications, and to the requirements of the building code and all other laws and ordinances, and of the rules and regulations of the Board of Standards and Appeals, applicable to a building of its class and kind at the time the permit was issued; and CERTIFIES FURTHER that, any provisions of Section 646F of the New York Charter have been complied with as certified by a report of the Fire Commissioner to the Borough Superintendent.

PERMIT No. 246/55

Construction classification-- III

Occupancy classification-- Comm'l. & Res.

Height 3 stories, 40 feet.

Date of completion-- 5-15-58

Located in Business Use District

D Area 1 $\frac{1}{2}$ Height Zone at time of issuance of permit

This certificate is issued subject to the limitations hereinafter specified and to the following resolutions of the Board of Standards and Appeals: (Calendar numbers to be inserted here)

PERMISSIBLE USE AND OCCUPANCY

STORY	LIVE LOADS Lbs. per Sq. Ft.	PERSONS ACCOMMODATED			USE
		MALE	FEMALE	TOTAL	
Bay St.					
Cellar	On ground	-	-	50	Show room, offices accessory storage and heating plant
1st. Floor	100	-	-	30	Sales & display
2nd. Floor	50	35	-	35	Dining Room, kitchen, food storage and TV room
3rd. Floor	50	35	-	35	Mens dormitory
Bay St.					
Cellar	On ground	1	-	1	Heating plant and accessory storage
1st. Floor	100	2	-	2	Furniture repair and clothing sorting
2nd. Floor	40	-	-	8	Two (2) apartments
Bay St.					
Cellar	On ground	-	-	-	Heating plant and accessory storage
1st. Floor	100	-	-	75	Mission chapel
2nd. Floor	40	-	-	8	One (1) apartment

\$1000.00
JR

Borough Superintendent

CERTIFICATE WILL BE NULL AND VOID IF ALTERED IN ANY MANNER OR ADDITIONS ARE MADE THERETO.
(Page 1)

NO CHANGES OF USE OR OCCUPANCY NOT CONSISTENT WITH THIS CERTIFICATE SHALL BE MADE UNLESS FIRST APPROVED BY THE BOROUGH SUPERINTENDENT

Unless an approval for the same has been obtained from the Borough Superintendent, no change or rearrangement in the structural parts of the building, or affecting the light and ventilation of any part thereof, or in the exit facilities, shall be made; no enlargement, whether by extending on any side or by increasing in height, shall be made; nor shall the building be moved from one location or position to another; nor shall there be any reduction or diminution of the area of the lot or plot on which the building is located.

The building or any part thereof shall not be used for any purpose other than that for which it is certified.

The superimposed, uniformly distributed loads, or concentrated loads producing the same stresses in the construction in any story shall not exceed the live loads specified on reverse side; the number of persons of either sex in any story shall not exceed that specified when sex is indicated, nor shall the aggregate number of persons in any story exceed the specified total; and the use to which any story may be put shall be restricted to that fixed by this certificate except as specifically stated.

This certificate does not in any way relieve the owner or owners or any other person or persons in possession or control of the building, or any part thereof from obtaining such other permits, licenses or approvals as may be prescribed by law for the uses or purposes for which the building is designed or intended; nor from obtaining the special certificates required for the use and operation of elevators; nor from the installation of fire alarm systems where required by law; nor from complying with any lawful order for additional fire extinguishing appliances under the discretionary powers of the fire commissioner; nor from complying with any lawful order issued with the object of maintaining the building in a safe or lawful condition; nor from complying with any authorized direction to remove encroachments into a public highway or other public place, whether attached to or part of the building or not.

If this certificate is marked "Temporary", it is applicable only to those parts of the building indicated on its face, and certifies to the legal use and occupancy of only such parts of the building; it is subject to all the provisions and conditions applying to a final or permanent certificate; it is not applicable to any building under the jurisdiction of the Housing Division unless it is also approved and endorsed by them, and it must be replaced by a full certificate at the date of expiration.

If this certificate is for an existing building, erected prior to March 14, 1916, it has been duly inspected and it has been found to have been occupied or arranged to be occupied prior to March 14, 1916, as noted on the reverse side, and that on information and belief, since that date there has been no alteration or conversion to a use that changed its classification as defined in the Building Code, or that would necessitate compliance with some special requirement or with the State Labor Law or any other law or ordinance; that there are no notices of violations or orders pending in the Department of Buildings at this time; that Section 646F of the New York City Charter has been complied with as certified by a report of the Fire Commissioner to the Borough Superintendent, and that, so long as the building is not altered, except by permission of the Borough Superintendent, the existing use and occupancy may be continued.

"§ 646 F. No certificate of occupancy shall be issued for any building, structure, enclosure, place or premises wherein containers for combustibles, chemicals, explosives, inflammables and other dangerous substances, articles, compounds or mixtures are stored, or wherein automatic or other fire alarm systems or fire extinguishing equipment are required by law to be or are installed, until the fire commissioner has tested and inspected and has certified his approval in writing of the installation of such containers, systems or equipment to the Borough Superintendent of the borough in which the installation has been made. Such approval shall be recorded on the certificate of occupancy."

Additional copies of this certificate will be furnished to persons having an interest in the building or premises, upon payment of a fee of fifty cents per copy.

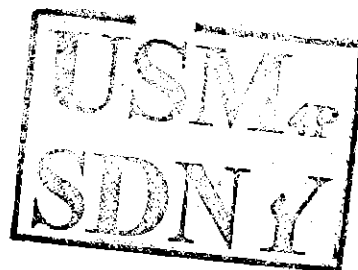
REC
NY PR OFFICE

24 OCT 21 AM 11:01

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THREE RNDX MES

NY 11320



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
500 PEARL STREET
NEW YORK, NY 10007

Attu: pro SE INTAKE